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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,182	09/12/2003	Jeffrey A. Hamilton	50021-0023	9435

36234 7590 11/16/2005

THE MCCALLUM LAW FIRM, LLC
132 KOLAR COURT
ERIE, CO 80516

EXAMINER	
TANG, SON M	

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,182	HAMILTON ET AL.	
	Examiner	Art Unit	
	Son M. Tang	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *72-121* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *72-121* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 72-105,107-113,115-119 and 121 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1- 20,22-23,26-32,34-42,44-49 and 51-52 of copending Application No. 09/758,645. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 72 does not have limitations as "mobile use" and "coded access". However, it is obvious of one having skill in the art to have the claimed language is written in the broader form without changing a scope of the invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **72-87, 89-97, 99 and 102-121** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mackey et al**. [US 6,141,611].

Regarding to claims 72: Mackey et al. disclose a remote information downloading device [25] for wireless access to and downloading of vehicle information from a remote on board vehicle incident recording system [14], and a transceiver 26 adapted to transmit the accessed data from the vehicle continuous incident recording system 14 to the device [25] [shown in Fig. 1, and an Abstract, and col. 1, lines 31-48, col. 2, lines 35-40],

Mackey et al. does not specifically stating that the computer [25] comprises an interface such as a transceiver for accessing and receiving incident data from the vehicle incident recording system, since, transceiver 26 for transmitting data to a wireless link communication such as Internet. It is obvious of one having ordinary skill in the art to recognize that the computer 25 must have some kind of compatible interface such as a transceiver, in order to access and receive data information from the wireless Internet, or it can be employed other compatible components such as (modem or satellite antenna). Mackey et al. fail to specify a transceiver includes a download trigger for initiating downloading of information, since the transceiver is not activate until user initiated or sending request message. Therefore, it would

have been obvious of one having ordinary skill in the art that the download trigger is included in the download system (25) to trigger the transceiver by the user.

Regarding to claim 73: Mackey et al. further disclose a data storage device [28].

Regarding to claim 74: The claimed "information storage device is a hard disk drive" is inhered in the vehicle on-board system see Fig. 2.

Regarding to claim 75: Mackey et al. further disclose a processor includes a lock device to lock the memory so that altered data cannot be stored (overwritten) [as cited in col. 3, lines 40-43].

Regarding to claims 76-77 and 86-87: Mackey et al. further disclose the vehicle information comprises vehicle identification, time, dynamic, control, and video information [as cited in col. 2,lines 54- 55 and Summary of the Invention].

Regarding to claims 79-85: Mackey et al. disclose a computer 25 uses to retrieve video information, it obvious of one ordinary skill in that art would recognize that the computer 25 should have a screen monitor for viewing information display includes audio information.

Regarding to claims 89 and 90: Mackey et al. disclose that any terminal 25 connect to access data with the proper authorization code [see col. 2, lines 38-40] that constitutes of said download trigger is adapted to respond to transmitted instructions and electronic access code as claimed.

Regarding to claim 90: Mackey et al. further disclose that a proper authorized code for access data [see col. 2, lines 38-40], which constitutes of said download trigger is adapted to require input of an electronic access code as claimed.

Regarding to claims 91-92: Mackey et al. further disclose that the incident recording system includes an encryption feature 36 [cited in col. 3, lines 31-32], Mackey et al. does not specify that device 25 has a decryption feature for decrypting download information, however, in order to receive the encrypted information, the receiver must have a decryption feature. Therefore, it would have been obvious of one having ordinary skill in the art would recognize that the receive unit of device 25 should have a decryption feature in order to decrypt the information.

Regarding claim 93: Mackey et al. further disclose that the wherein said information storage device 19 is remotely located from said vehicle [see col. 3, lines 33-34, Fig. 1].

Regarding claims 94, 97, 99: Mackey et al. further disclose all the limitations as described above, except for not specifically disclose that said transceiver is adapted to provide a transmission trigger for transmitting information to an off-site location, since system 25 is capable to for accessing information from said storage 19 at an off-site location. It would have been obvious that of one having ordinary skill in the art that said transceiver must initiating a transmission trigger to transmit information (such as request or authorization code) to the storage at off-site location.

Regarding to claims 95-96: Mackey et al. further disclose up-link/down-link transmission link via satellite [cited in Fig. 1 and Abstract and col. 1, lines 42-43].

Regarding claim 102: Mackey et al. further disclose that device 25 is adapted to use in a stationary facility [see Fig. 1].

Regarding to claim 103: Mackey et al. disclose the instant invention, except for not specific that, wherein said stationary facility is a hospital, police station or fire station. However,

as long as the data information is being transmitted and retrieved, whether is being used for hospital, police or fire fighter is consider as an obvious of intention use.

Regarding claim 104: Mackey et al. disclose all the limitations as described above, not specifically disclose that said interface is a limited access interface, since it is only for authorized user which needs authorized code for download access. It is obviously a limited access interface.

Regarding claims 105-121: The claimed method steps are interpreted and rejected as rejection stated above.

3. Claims **88, 98, 100 and 101** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mackey et al.** [US 6,141,611] in view of Gehlot [US 6,163,277].

Regarding claims 88, 98, 100: Mackey et al. disclose all the limitations as described above, except for not specifically disclose that said device is adapted for use for in a vehicle and download trigger is adapted to respond to predetermined event, Gehlot teaches a device 60 of vehicle 10 (police officer) is adapted for use for downloading information from the incident recording system 60 of vehicle 12, and wherein said transceiver of device 60 of vehicle 10 (police officer) is being notify by said device 60 of vehicle 12, which constitutes of the download trigger is adapted to respond to the occurrence of predetermined event [see Fig. 1 and col. 6, lines 49-59]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement the device in a vehicle and respond to predetermined event as taught by Gehlot, for the advantage that convenience and be able to get information in real time.

Regarding claim 101: Mackey et al. and Gehlot disclose all the limitations as described above, Gehlot further teaches that vehicle is a police cruiser (10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

DANIEL WU
SUPERVISORY PATENT EXAMINER
11/12/05